

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO**

Amended Petition for Revocation of Supervised Release

Name of Offender: Derek Chavez
Docket Number: 1084 1:09CR03366 -003WJ
Assigned Judge: Honorable William P. Johnson, Chief United States District Judge
Date of Original Sentence: 2012-10-02
Original Offense: 18 U.S.C. 3: Accessory After the Fact
Original Sentence: BOP: 24 months; TSR: 3 years
Date Supervision: 06/07/2018
Recommended:
Date Supervision Expires: 06/06/2020
Other Court Action: On October 23, 2017, the defendant's supervised release was revoked for absconding from supervision and failing to obtain employment. The defendant was sentenced to 56 days (Time Served) with 28 months of supervised release to follow.

On May 31, 2018, the defendant's supervised release was revoked for absconding from supervision and failing to comply with substance abuse treatment objectives. The defendant was sentenced to 3 months and 12 days incarceration, followed by 24 months of supervised release.

PETITIONING THE COURT

To issue a summons.

**Amended to add a second violation of a Mandatory Condition while the current petition was held in abeyance.*

U.S. Probation Officer of the Court, Erick Newton, alleges the offender has violated the following condition(s) of supervised release.

<i>Violation Type</i>	<i>Nature of Noncompliance</i>
MC	<p>You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.</p> <p>On December 3rd, and 9th, of 2018, the defendant tested positive for Suboxone. On December 19, 2018, the probation officer asked the defendant if he had a valid prescription for Suboxone, and the defendant stated he did not.</p>
MC <i>(Amended)</i>	<p>You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.</p>

On February 12, 2019, the defendant tested positive for Suboxone. On February 19, 2019, the probation officer asked the defendant if he had a valid prescription for Suboxone, and the defendant stated he did not. The probation officer asked the defendant if he used Suboxone illegally on, or about, February 12, 2019, and the defendant affirmed.

The maximum statutory penalty: 2 years imprisonment; 3 years supervised release. Underlying Class C Felony.
The revocation range of imprisonment: 3 to 9 months. CHC I. Grade C violation.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on 02/20/2019.

Submitted:



Erick Newton
Sr. U.S. Probation Officer

Approved:

☒ Phone Approval

Jack Burkhead
(505) 346-7274
Assistant U.S. Attorney

Date: 12/20/2018